

RECEIVED  
FEDERAL ELECTION  
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

2016 JUL 25 AM 8:21

In the matter of

Adam H. Victor, *et al.*

Respondents.

MURs 7005 & 7056

CELA

RESPONDENTS' RESPONSE TO  
COMPLAINANT'S ADDITIONAL INFORMATION

17004442016  
Respondents Adam H. Victor, Jo-Ann Bruggerman, Adam Victor, Jr., Alexia Victor, Alia Victor, Jo-Ayla Victor, Gary Coulter, Marta Grabowska, Nana Yoshioka, and Transnational Management Systems II, LLC, through counsel, hereby respond to the complainant's additional information in the above-referenced matter.

In response to the complainant's additional information, respondents have only one point to raise - a most fundamental one. Commission regulations require all complaints to be based on personal knowledge, or information and belief.<sup>1</sup> If based on information and belief, the complaint "should be accompanied by an identification of the source of information which gives rise to the complainants belief in the truth of such statements".<sup>2</sup>

While initially the source of complainant's belief was not challenged because of the certainty that he had some (albeit very incomplete) personal knowledge from his theft of files from Adam Victor's computer - an issue

---

<sup>1</sup> 11 C.F.R. § 111.4(c).

<sup>2</sup> § 111.4(d)(2).

beyond the Commission's jurisdiction and which is being addressed in another forum - it now appears that such belief should have been, and is now being, challenged. Though there is still certainty of the theft, complainant has now sworn that he has no personal knowledge of critical facts alleged in these matters.

Complainant, Tyler Erdman, was subpoenaed to testify as a non-party witness in a civil litigation pending in state court in California, and so testified on July 14, 2016. The case in which Mr. Erdman testified is captioned *TransNational Management Systems, LLC et al. v. Pegasus Elite Aviation, Inc.*, Ca. Spr. Ct., L.A. County, N.W. Dist., Case No. LC100724. Joshua Krakowsky Declaration, ¶ 2.

While the California litigation is unrelated to the present FEC matters, nevertheless, when being examined by Mr. Victor's adversary's counsel, Mr. Erdman was asked about the basis of his knowledge for alleging Mr. Victor's banking information alleged in the FEC complaint in MUR 7005. Complainant testified that he obtained information necessary to allege facts concerning Mr. Victor's bank accounts secondhand from an affidavit filed by another attorney in another civil litigation pending in New York State court where Mr. Erdman is being sued by Mr. Victor. Mr. Erdman did not testify that he had personal knowledge of Mr. Victor's banking information. *Id.*, ¶¶ 3-4.

Since the deposition just occurred last week, a copy of the transcript will be provided to the Commission as soon as it is delivered to Mr. Victor's counsel.

Id., ¶ 5. In the meantime, the complaints in these matters fail to meet the Commission's regulations for adequate factual grounding.

The "[FECA] anticipates that the Commission may summarily dismiss a complaint."<sup>3</sup> "Unless based on a complainant's personal knowledge, a source of information reasonably giving rise to a belief in the truth of the allegations must be identified."<sup>4</sup> Denying personal knowledge, complainant has not identified the source of his information and belief in the facts alleged in the complaints in these matters. Respondents, therefore, request that the complaints must be summarily dismissed.

Sincerely,



---

Glenn M. Willard  
SQUIRE PATTON BOOGS (US) LLP  
2550 M Street, N.W.  
Washington, DC 20037  
P: (202) 457-6000  
F: (202) 457-6315

---

<sup>3</sup> Statement of Reasons for MUR 5141, by Chairman David M. Mason, Vice Chairman Karl J. Sandstrom, and Commissioners Danny L. McDonald, Bradley A. Smith, Scott E. Thomas, and Darryl R. Wold.

<sup>4</sup> *Id.* (citing 11 C.F.R. § 111.4(d)(2); General Counsel's Report dated April 11, 2000 at 17 in MUR 4545 (Clinton/Gore '96 Primary Committee/Amtrak), Commissioners Thomas, Elliott, Potter, McDonald, Aikens, and McGary Statement of Reasons dated Oct. 7, 1993 in MUR 3534 (Bibleway Church of Atlas Road)) (emphasis added).

RECEIVED  
FEDERAL ELECTION  
COMMISSION

FEDERAL ELECTION COMMISSION

2016 JUL 25 AM 8:21

MURs 7005 & 7056

Declaration

JOSHUA KRAKOWSKY states under the penalties of ~~perjury~~ <sup>CELA</sup>, pursuant to 28

U.S.C. § 1746, as true and correct, the following:

1. I am senior counsel with the law firm Davidoff Hutcher & Citron LLP, and act as litigation counsel for Adam Victor and various entities he is associated with, including TransNational Management Systems, LLC, and TransNational Systems II, LLC, and as such, I am fully familiar with the facts and circumstances described in this declaration. I submit this declaration based upon personal knowledge to submit certain evidence to the Commission to consider with respect to the above-referenced proceedings.
2. The Complainant, Tyler Erdman, was subpoenaed to testify as a non-party witness in a civil litigation pending in state court in California, and so testified on July 14, 2016. The case in which Mr. Erdman testified is captioned TransNational Management Systems, LLC et al. v. Pegasus Elite Aviation, Inc., Ca. Spr. Ct., L.A. County, N.W. Dist., Case No. LC100724.
3. The California litigation is unrelated to Federal Election Commission ("the "FEC") complaints filed by Mr. Erdman.
4. Nevertheless, when being examined by Mr. Victor's adversary's counsel, Mr. Erdman was asked about the basis of his knowledge for alleging Mr. Victor's banking information alleged in the FEC complaint in MUR 7005. Mr. Erdman testified that he obtained information necessary to allege facts concerning Mr. Victor's bank accounts secondhand from an affidavit filed by another attorney in another civil litigation pending in New York State court where Mr. Erdman is being sued by Mr. Victor. Mr. Erdman did not testify that he had personal knowledge of Mr. Victor's banking information.
5. Since the deposition just occurred last week, we do not yet have a copy of the transcript. I will supplement this declaration with the relevant excerpt from Mr. Erdman's deposition as soon as I receive a copy of the deposition transcript.

I declare, verify and state under penalty of perjury that the foregoing is true and correct.

/s/ Joshua Krakowsky

Joshua Krakowsky

Date: July 18, 2016

17044424050